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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A Trutanich, United States Attorney; Lisa Cartier Giroux, Assistant United States Attorney; Kimberly Sokolich, Assistant United States Attorney, representing the United States of America and Todd Leventhal, Esq., counsel for defendant Kelton Simon, that the preliminary hearing in the above captioned case, which is currently scheduled for October 27, 2020 at 10:30am, be continued and reset to a date and time convenient to the Court, but no sooner than sixty (60) days.

1. The government has provided counsel for the defendant with limited Rule 16 Discovery. Counsel for the defendant needs additional time to review the discovery and

1 discuss it with his client prior to a preliminary hearing or indictment. Additionally, the parties  
2 are discussing a pre-indictment resolution that may resolve the matter without a preliminary  
3 hearing.

4       2. This continuance is not sought for purposes of delay, but to allow defense  
5 counsel an opportunity to review discovery with their client and prepare for the preliminary  
6 hearing.

7       3. The defendant is not detained and agrees to the continuance.

8       4. Both counsel for the defendant and counsel for the government agree to the  
9 continuance.

10       5. Federal Rule of Criminal Procedure 5.1(d) provides that a magistrate judge  
11 may extend the time limits in Rule 5.1(c) with the defendant's consent and upon a showing  
12 of good cause taking into account the public interest in the prompt disposition of criminal  
13 cases. Because the defendant requires additional time to review discovery with their client  
14 prior to the preliminary hearing, good cause exists to extend the time limits in Rule 5.1(c).

15       6. The time from October 27, 2020, to the new preliminary hearing date will be  
16 excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A),  
17 which provides that the Court may exclude time arising from a continuance upon finding  
18 that the ends of justice served by granting the continuance outweigh the best interests of the  
19 defendant and the public in a speedy trial.

20       7. Denial of this request could result in a miscarriage of justice, and the ends of  
21 justice served by granting this request outweigh the best interest of the public and the  
22 defendants in a speedy trial.

23       8. The additional time requested by this stipulation is excludable in computing  
24 the time within which the indictment must be filed pursuant to the Speedy Trial Act, Title

1 18, United States Code, Section 3161(b), and considering the factors under Title 18, United  
2 States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

3 9. This is the second request to continue the preliminary hearing.

4 DATED this 21 day of October, 2020.

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6 NICHOLAS A. TRUTANICH  
United States Attorney

*/s/ Todd Leventhal*  
7 TODD LEVENTHAL  
Counsel for Defendant Kelton Simon

8 */s/ Lisa C. Cartier Giroux*  
LISA C. CARTIER GIROUX  
9 Assistant United States Attorney

10 */s/ Kimberly Sokolich*  
KIMBERLY SOKOLICH  
11 Assistant United States Attorney

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The government has provided counsel for the defendant with limited Rule 16 Discovery. Counsel for the defendant requests an opportunity to review the discovery and discuss it with their respective client prior to a preliminary hearing or indictment.
2. To allow the defense time to review the discovery with their client prior to the preliminary hearing and with the defendant's consent, the preliminary hearing in this case should be continued for good cause.
3. The defendant is not detained and agrees to the continuance.
4. Both counsel for the defendant and counsel for the government agree to the continuance.
5. This continuance is not sought for purposes of delay, but to allow defense counsel an opportunity to review discovery with their client prior to the preliminary hearing.

1 6. Denial of this request could result in a miscarriage of justice, and the ends of justice  
2 served by granting this request outweigh the best interest of the public and the  
3 defendant in a speedy trial.

4 7. The additional time requested by this stipulation is excludable in computing the time  
5 within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18,  
6 United States Code, Section 3161(b), and considering the factors under Title 18,  
7 United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

8 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the  
9 above-captioned matters currently scheduled for October 27, 2020, at 10:30 a.m., be vacated  
10 and continued to 01/05/2021 at 1:30 PM.

11 DATED this 23rd day of October, 2020.

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15 THE HONORABLE BRENDA WEKSLER  
16 United States Magistrate Judge  
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